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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MAX IMPACT, LLC and CHANELIA, LTD., :

Plaintiffs, :

vs. : Case No. 09 CV 902 (JGK)(HBP)

SHERWOOD GROUP, INC., :

Defendant. :

**DECLARATION OF
CHRISTOPHER B. TURCOTTE**

vs. :

MAX IMPACT, LLC, CHANELIA, LTD. and :
BAMBAMS, LLC, :

Third-Party Defendants :

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

CHRISTOPHER B. TURCOTTE declares as follows:

1. I am a member of The Law Office of Christopher B. Turcotte, P.C., counsel to third-party defendant BamBams, LLC (“BamBams”) in this action. I submit this declaration in support of BamBams’ Motion for Summary Judgment to dismiss Counts II and III of Defendant Sherwood Group, Inc.’s (“Sherwood”) Amended Counterclaims as to BamBams.

2. Attached hereto as Exhibit “1” is a true and correct copy of the Verified Amended Complaint, filed in this action on September 20, 2010.

3. Attached hereto as Exhibit “2” is a true and correct copy of Sherwood’s Answer, Affirmative Defenses and Counterclaims to Plaintiff’s Amended Answer, filed in this action on September 30, 2010.

4. Attached hereto as Exhibit “3” is a true and correct copy of the Exclusive Licensing Agreement between Argo Development & Production, Ltd. (“Argo”) and Chanelia Ltd. dated January 11, 2007 and filed in this action.

5. Attached hereto as Exhibit “4” is a true and correct copy of the Exclusive Licensing Agreement between Chanelia Ltd. and Max Impact, LLC dated July 31, 2007 (without exhibits) and filed in this action.

6. Attached hereto as Exhibit “5” is a true and correct copy of the Letter Agreement between Max Impact, LLC, Argo and Moshe Harel dated July 25, 2007 and filed in this action.

7. Attached hereto as Exhibit “6” is a true and correct copy of the declaration of Alan Sharp dated December 9, 2009 and filed in this action.

8. Attached hereto as Exhibit “7” is a true and correct copy of the declaration of Moshe Harel dated February 20, 2010 and filed in this action.

9. Attached hereto as Exhibit “8” is a true and correct excerpted copy of the transcript of the deposition of Sherwood president Howard Schwartz which took place on December 6, 2013.

10. Attached hereto as Exhibit “9” is a true and correct excerpted copy of the transcript of the deposition of BamBams president Daniel Taylor which took place on December 6, 2013.

11. Attached hereto as Exhibit “10” is a true and correct excerpted copy of the transcript of the deposition of BamBams president Daniel Taylor which took place on March 27, 2009.

12. Attached hereto as Exhibit “11” is the Declaration of Daniel Taylor dated March 3, 2014.

13. Attached hereto as Exhibit “12” is a true and correct copy of the Distribution Agreement between Max Impact, LLC and BamBams dated February 18, 2008, produced by BamBams during discovery in this action.

14. Attached hereto as Exhibit “13” is a true and correct copy of Sherwood Counsel Ezra Sutton’s Letter to BamBams dated October 15, 2010.

15. Attached hereto as Exhibit “14” is a true and correct copy of the declaration of Jamie Rawson dated November 30, 2013.

16. Attached hereto as Exhibit “15” is a true and correct copy of an email exchange between Verizon Wireless’ Natalie Drake and Erwin-Penland’s Natalie Walsh produced by Verizon Wireless during discovery in this action.

17. Attached hereto as Exhibit “16” is a true and correct copy of an email exchange between BamBams’ Daniel Taylor and Charles Machion of the Advertising Specialty Institute (ASI).

18. Attached hereto as Exhibit “17” is a true and correct copy of the Memorandum and Order of the Honorable Lawrence M. McKenna filed in this action on February 14, 2011.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 3rd day of March, 2014.

/c/Christopher B. Turcotte
CHRISTOPHER B. TURCOTTE